

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DEVIN VALENTINE,

Plaintiff,

v.

**SHAVIANCE MITCHELL, BALFOUR
BEATTY COMMUNITIES, BALFOUR
BEATTY MILITARY HOUSING
MANAGEMENT, LLC, PICATINNY
ARSENAL, DEPARTMENT OF THE
ARMY, UNITED STATES OF AMERICA,
as well as, JOHN DOES 1-10, JANE DOES
1-10, ABC CORPS. 1-10** (said names being
fictitious, true names presently unknown),

Defendants.

Civil Action No.:

COMPLAINT

Plaintiff, **DEVIN VALENTINE**, residing at 1400 St. Georges Ave., Linden, New Jersey,
complaining of the Defendants, deposes and says:

JURISDICTION AND VENUE

1. Jurisdiction of the United States District Court, District of New Jersey is proper
and is based on 28 U.S.C. 1346 (b)(1) as the alleged wrongful/tortious act occurred on the
Picatinny Arsenal base, which is a United States military research and manufacturing facility
located in Jefferson and Rockaway Township, Morris County New Jersey.

2. A final administrative action was taken by the Department of the Army, Office of
the Judge Advocate General, on August 16, 2018. The filing of this lawsuit is in compliance
with 28 C.F.R. 14.9(a).

FIRST COUNT

1. At all times relevant herein **Defendants SHAVIANCE MITCHELL,
BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING**

MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA, as well as, JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10 (said names being fictitious, true names presently unknown) was/were the owner a certain dog (K-9), whose name, upon information and belief is Gunner, that resided at 3212 Caison Court, Apt B, Picatinny Arsenal, 213 Route 15, Wharton, New Jersey.

2. On or about **August 3, 2017**, Plaintiff, **DEVIN VALENTINE**, was unlawfully bitten by said dog (K-9) in and around the area of the park located at or near Caison Court within the confines of Picatinny Arsenal, 213 Route 15, Wharton, New Jersey.

3. At all relevant times, said dog did bite the Plaintiff thereby causing Plaintiff serious injury.

4. Defendants **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA**, as well as, **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10** (said names being fictitious, true names presently unknown) are vicariously liable for the acts of defendants/entities/individuals that caused and/or contributed to the incident, including, but not limited to, their agents, servants and/or employees.

5. Defendants **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA**, as well as, **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10** (said names being fictitious, true names presently unknown) are strictly liable to the Plaintiff pursuant to N.J.S.A. 4:19-16 or otherwise.

6. As a direct and proximate result of the dog bite, Plaintiff was caused to sustain and did sustain serious and permanent personal injuries requiring care and treatment of physicians and medications and have been and will in the future continue to be hampered in her daily activities, and reserves the right to recover all losses permitted by law including, but not limited to, medical bills and economic losses.

WHEREFORE, Plaintiff demands judgment against the Defendants **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA**, as well as, **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10** (said names being fictitious, true names presently unknown) jointly, severally or in the alternative in the amount of her damages together with interest and costs of suit.

SECOND COUNT

1. Plaintiff repeats and reiterates each and every allegation contained in the First Count of the Complaint as set forth herein more fully at length.

2. Defendants **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA**, as well as, **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10** (said names being fictitious, true names presently unknown) negligently, carelessly, and/or recklessly caused Plaintiff to be injured and/or bitten by a dog.

3. Defendants **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF**

AMERICA, as well as, JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10 (said names being fictitious, true names presently unknown) negligence, carelessness, and/or recklessness included, but not limited to, that they failed to control and/or maintain their dog in a careful and prudent manner.

4. Defendants **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA**, as well as, JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10 (said names being fictitious, true names presently unknown) negligence, carelessness, and/or recklessness included, but not limited to, that they permitted said dog on said premises.

5. Defendants **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA**, as well as, JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10 (said names being fictitious, true names presently unknown) are vicariously liable for the acts of defendants/entities/individuals that caused and/or contributed to the incident, including, but not limited to, their agents, servants and/or employees.

6. As a direct and proximate result of the negligence, carelessness, and recklessness of the Defendants, as aforesaid, Plaintiff was caused to sustain and did sustain serious and permanent personal injuries as aforesaid.

7. As a direct and proximate result of the dog bite, Plaintiff was caused to sustain and did sustain serious and permanent personal injuries requiring care and treatment of physicians and medications and have been and will in the future continue to be hampered in her daily activities,

and reserves the right to recover all losses permitted by law including, but not limited to, medical bills and economic losses.

WHEREFORE, Plaintiff demands judgment against the Defendants **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA**, as well as, **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10** (said names being fictitious, true names presently unknown) jointly, severally or in the alternative in the amount of her damages together with interest and costs of suit.

THIRD COUNT

1. Plaintiff repeats and reiterates each and every allegation contained in the previous Counts of the Complaint as set forth herein more fully at length.

2. Defendant **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA**, as well as, **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10** (said names being fictitious, true names presently unknown) unlawfully, unreasonably, negligently, carelessly, and/or recklessly permitted defendants to own and/or possess said dog on the Picatinny Arsenal.

3. Defendants **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA**, as well as, **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10** (said names being fictitious, true names presently unknown) are vicariously liable for the acts of

defendants/entities/individuals that caused and/or contributed to the incident, including, but not limited to, their agents, servants and/or employees.

4. As a direct and proximate result of the negligence, carelessness, and recklessness of the Defendants **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA**, as well as, **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10** (said names being fictitious, true names presently unknown), as aforesaid, Plaintiff was bitten by said dog and was caused to sustain and did sustain serious and permanent personal injuries as aforesaid.

5. As a direct and proximate result of the dog bite, Plaintiff was caused to sustain and did sustain serious and permanent personal injuries requiring care and treatment of physicians and medications and have been and will in the future continue to be hampered in her daily activities, and reserves the right to recover all losses permitted by law including, but not limited to, medical bills and economic losses.

WHEREFORE, Plaintiff demands judgment against the Defendants **SHAVIANCE MITCHELL, BALFOUR BEATTY COMMUNITIES, BALFOUR BEATTY MILITARY HOUSING MANAGEMENT, LLC, PICATINNY ARSENAL, DEPARTMENT OF THE ARMY, UNITED STATES OF AMERICA**, as well as, **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10** (said names being fictitious, true names presently unknown) jointly, severally or in the alternative in the amount of her damages together with interest and costs of suit.

FOURTH COUNT

1. Plaintiff repeats and reiterates each and every allegation contained in the previous Counts of the Complaint as set forth herein more fully at length.

2. Defendants **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10, (said names being fictitious, true names presently unknown)**, were the custodians in possession or control of said dog (K-9) and they negligently, carelessly, and/or recklessly failed to control and/or maintain a dog in a careful and prudent manner.


3. Defendants **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10 (said names being fictitious, true names presently unknown)** are vicariously liable for the acts of defendants/entities/individuals that caused and/or contributed to the incident, including, but not limited to, their agents, servants and/or employees.

4. As a direct and proximate result of the negligence, carelessness, and recklessness of the Defendants, as aforesaid, Plaintiff was caused to sustain and did sustain serious and permanent personal injuries as aforesaid.

5. As a direct and proximate result of the dog bite, Plaintiff was caused to sustain and did sustain serious and permanent personal injuries requiring care and treatment of physicians and medications and have been and will in the future continue to be hampered in her daily activities, and reserves the right to recover all losses permitted by law including, but not limited to, medical bills and economic losses.

WHEREFORE, Plaintiff demands judgment against the Defendants **JOHN DOES 1-10, JANE DOES 1-10, ABC CORPS. 1-10, (said names being fictitious, true names presently unknown)** jointly, severally or in the alternative in the amount of her damages together with interest and costs of suit.

Dated: 12/28/18


Peter De Frank, Esq.